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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,110	02/06/2007	John Michael Walker Pina	P18219-US1	2785
27045	7590	02/18/2010		
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			EXAMINER ABRISHAMKAR, KAVEH	
			ART UNIT 2431	PAPER NUMBER
			MAIL DATE 02/18/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/595,110

**Applicant(s)**

WALKER PINA ET AL.

**Examiner**

KAVEH ABRISHAMKAR

**Art Unit**

2431

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 12, 2009 has been entered.

1. Claims 1-28 are currently pending consideration.

### ***Response to Arguments***

Applicant's arguments filed on October 12, 2009 have been fully considered but they are not persuasive for the following reasons:

The Applicant argues that the Cited Prior Art (CPA), Faccin et al. (U.S. Patent Pub. No. 2001/0049790), does not teach "re-using said authentication data stored in the subscriber server and not to perform any explicit authentication between the S-CSCF and the user equipment." This argument is not found persuasive. The CPA discloses that the user subscriber equipment sends an application level registration message to a server in the home network which contains a user identification and a level or type of access and stores it in the storage in the home network as a subscriber profile which is used to provide connectivity between the user equipment and a visited network (paragraph 0007). This connectivity is established between the user equipment and the

visited network without any further authentication but just re-uses the subscriber profile which is already stored in the home network server (paragraph 0007). Therefore, the arguments are not found persuasive and the rejection is given below.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5-13, 15-18, and 20-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Faccin et al. (US 2001/0049790).

Regarding Claims 1, 15, 23, and 32-33:

Faccin discloses a device for multimedia authentication ("Proxy Server/Gatekeeper" and "Serving Call State Control Function" See fig. ref. nos. 22 and 24) of a user equipment ("Subscriber Equipment" See fig. 1 ref. no. 18) accessing a multimedia domain ("Multimedia Services" See paragraph 3) through an access network ("Wireline ISP," "Public Cellular Network," and "WLAN" See fig. 1 ref. nos. 12, 14, and 16), the device for use in or in operation with, a subscriber server ("Home Subscriber Server" See fig. 1 ref. no. 20) of the access network holding authentication data for the user equipment and accessible to the multimedia domain ("Subscriber Profile" See paragraphs 7 and 26), the device having means for authentication the user equipment

by the subscriber server within the access network ("Controlling access of the subscriber to any network dependent upon a comparison of service to be provided to the subscriber and the stored subscriber profile." See paragraph 11) means for deciding that an implicit authentication between the user equipment and the multimedia domain can take place based on a previous authentication of the user by the access network thus skipping the need for an explicit authentication ("The source of the access type indicator may be explicitly provided by subscriber equipment or an interface between the subscriber equipment and the access network at which the subscriber is register or implicitly from the control entity in a visit network analyzing the notice of the communication to form the access network to the control entity." See paragraph 10 [The examiner respectfully points out that the s-CSCF analyzes the notice of communication to decide if the access type indicator can be provided implicitly.]) and means for instructing a serving entity in charge of authenticating the user equipment in the multimedia domain that implicit authentication can take place ("The subscriber equipment will provide an authentication instruction to the s-CSCF." See paragraph 10 [The examiner respectfully points out that Faccin teaches the OR function, the access type indicator can be provided explicitly or implicitly, the alternative nature of the OR function requires a selection step to be performed by user of the subscriber equipment.]). Also, Faccin teaches that the user subscriber equipment sends an application level registration message to a server in the home network which contains a user identification and a level or type of access and stores it in the storage in the home network as a subscriber profile which is used to provide connectivity between the user

equipment and a visited network (paragraph 0007). This connectivity is established between the user equipment and the visited network without any further authentication but just re-uses the subscriber profile which is already stored in the home network server (paragraph 0007). Therefore, Faccin teaches re-using authentication information without any further explicit authentication between the user equipment and the S-CSCF.

Regarding Claims 2, 17, and 26:

Faccin discloses the means for deciding that an implicit authentication can take place has means for determining the potential security of the signaling path to access the multimedia domain through the access network ("Controlling access of the subscriber to any network dependent upon a comparison of the service to be provided to the subscriber and the stored subscriber profile." and "Each access may provide a different degree of bandwidth in communications; a different degree of security in communications for each different access; or a different supported supplementary service for each different access." See paragraph 11).

Regarding Claims 3, 18, and 20:

Faccin discloses the means for instructing the serving entity that an implicit authentication can take place includes means for indication that the final decision is on the user equipment side which can force an explicit authentication place ("The subscriber equipment will provide an authentication instruction to the s-CSCF." See paragraph 10 [The examiner respectfully points out that Faccin teaches the OR function, the access type indicator can be provided explicitly or implicitly, the alternative

nature of the OR function requires a selection step to be performed by user of the subscriber equipment.)).

Regarding Claims 5 and 16:

Faccin discloses means for notifying the user equipment that an implicit authentication of the user equipment for accessing the multimedia domain can be carried out by the network (See paragraph 10 "The examiner respectfully points out that user of the subscriber equipment perform the selection between explicit or implicit authentication, therefore it is inherent the user of the subscriber equipment is notified that an implicit authentication can be carried out.")

Regarding Claims 6-7 and 24:

Faccin discloses the subscriber equipment and the s-CSCF may be connected by any type of telecommunications connection (See paragraph 27).

Regarding Claims 8, 21-22, and 25:

Faccin discloses means for indicating to the serving entity in charge of authenticating the user in the multimedia domain that the user has confirmed the implicit authentication (See paragraph 10 "The examiner respectfully points out that user of the subscriber equipment perform the selection between explicit or implicit authentication, therefore it is inherent the s-CSCF receives the selection so that an explicit or implicit authentication can be carried out.")

Regarding Claims 9 and 27:

Faccin discloses means for providing additional authentication data to the serving entity ("Home Subscriber Server" See fig. 1 ref. no. 20), the additional authentication data

including at least one of authentication type, access information, and authentication timestamp ("The HSS retrieves from storage a subscriber profile of an authorized type or level of access associated with the subscriber identified in the message received by the HSS." See paragraph 27).

Regarding Claims 10 and 29:

Faccin discloses a user equipment ("Subscriber Equipment" See fig. 1 ref. no. 18) enabled to obtain access to a multimedia domain ("Multimedia Services" See paragraph 3) through an access network ("Wireline ISP," "Public Cellular Network," and "WLAN" See fig. 1 ref. nos. 12, 14, and 16) and arranged to carry out a first explicit authentication procedure with the access network ("The subscriber utilizes subscriber equipment to transmit a message to the s-CSCF to request an application level registration through the public cellular visited network to the home network" See paragraph 27) and a second explicit authentication procedure with the multimedia domain ("The retrieved subscriber profile is compared by the s-CSCF with the level or type of service contained in a requested type of connection." See paragraph 27), the user equipment having means for processing ("Laptop Computer," "PDA," and "Cellular Phone" See fig. 1 ref. no. 18 [The examiner respectfully points out that it is inherent that disclosed subscriber equipment contains CPU.]) a first notification received from the multimedia domain indicating that an implicit authentication for the user equipment can be carried out by the network based on the first explicit authentication procedure with the access network and notifying the user equipment not to perform the second explicit authentication procedure with the multimedia domain ("The source of the access type



indicator may be explicitly provided by subscriber equipment or an interface between the subscriber equipment and the access network at which the subscriber is register or implicitly from the control entity in a visit network analyzing the notice of the communication to form the access network to the control entity." See paragraph 10 [The examiner respectfully points out that the s-CSCF analyzes the notice of communication to decide if the access type indicator can be provided implicitly.])

Regarding Claim 11:

Faccin discloses the means for processing a notification received from the multimedia domain includes means for receiving and processing an implicit authentication indication that the final decision is on the user equipment which can force an explicit authentication ("The subscriber equipment will provide an authentication instruction to the s-CSCF." See paragraph 10 [The examiner respectfully points out that Faccin teaches the OR function, the access type indicator can be provided explicitly or implicitly, the alternative nature of the OR function requires a selection step to be performed by user of the subscriber equipment.]).

Regarding Claim 12:

Faccin discloses the user equipment has means for sending towards the multimedia domain an SSO enabled indication to confirm the acceptance of the implicit authentication proposed by the network ("The subscriber equipment and the s-CSCF maybe connected by any type of telecommunications connection." See paragraph 27).

Regarding Claim 13:

Faccin discloses the user equipment has means for providing additional authentication data towards the multimedia domain, the additional authentication data including at least one element selected from a group of elements consisting of: authentication type, access information, and authentication timestamp ("The HSS retrieves from storage a subscriber profile of an authorized type or level of access associated with the subscriber identified in the message received by the HSS." See paragraph 27).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 14, and 19 are rejected under 35 U.S.C. 103(a) as being obvious over Faccin et al. (US 2001/0049790).

Faccin discloses the above stated device for multimedia authentication ("Proxy Server/Gatekeeper" and "Serving Call State Control Function" See fig. ref. nos. 22 and 24) of a user equipment ("Subscriber Equipment" See fig. 1 ref. no. 18) accessing a multimedia domain ("Multimedia Services" See paragraph 3) through an access network having means for indicating that the final decision on authentication is on the user equipment side ("The subscriber equipment will provide an authentication instruction to the s-CSCF." See paragraph 10 [The examiner respectfully points out that Faccin

teaches the OR function, the access type indicator can be provided explicitly or implicitly, the alternative nature of the OR function requires a selection step to be performed by user of the subscriber equipment.)).

Faccin does not disclose the means for indicating that this is a final decision taken by the network and no explicit authentication can be carried out.

The examiner respectfully points out that the means for indicating that this is a final decision taken by the network and no explicit authentication can be carried is an automated version of the manual means for indicating (Implicit Authentication) that the final decision is on the user equipment side disclosed by Faccin. An automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior. See *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to automate the means for indicating disclosed by Faccin.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAVEH ABRISHAMKAR whose telephone number is (571)272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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